

From: Patrick Baltz
To: Microsoft ATR
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Subject: Microsoft Settlement

To whom it may concern:

While the proposed final judgement in the Microsoft antitrust case does in general not provide an adequate remedy to Microsoft's abuses, I would like to point out several parts of the judgement that are inadequate.

In section III.D, it states that APIs and documentation shall, approximately a year after the release of Windows XP, be provided when a Windows Operating System Product has been distributed to 150,000 or more beta testers. This allows Microsoft to sidestep this requirement through numbers while providing a competitive advantage to develop and market Microsoft Middleware Products and other Microsoft applications before ISVs have even been given access to the APIs and documentation.

I would suggest that the APIs and documentation be made available to ISVs at the same time it is made available to Microsoft's own middleware and application development groups. In addition, Microsoft should be required to keep APIs and documentation updated for independent software developers, as updated APIs and documentation are made available for Microsoft's own internal middleware and application developers.

One other issue that the judgement provides no remedy for is the bundling of Microsoft applications and middleware with the Windows Operating System itself. Bundling of applications such as Internet Explorer, Windows Media Player, Outlook Express, and future versions of these programs provides a competitive advantage to Microsoft that puts competitors at a serious disadvantage for adoption of their competing products. These applications should not be bundled with the Windows Operating System itself, but they should instead be made available to consumers independently. This should not however keep non-Microsoft vendors from bundling Microsoft applications with their product in addition to the Windows Operating System if they wish.

Sincerely,

Patrick Baltz